

## AGENDA

**REGULAR MEETING  
BOARD OF COMMISSIONERS  
315 WEST SECOND STREET  
FRANKFORT, KY 40601  
(502) 875-8500**

**MAY 17, 2004  
5:00 P.M. (EST)**

- 1. INVOCATION** Rev. Alan Sorem, South Frankfort Presbyterian Church  
**ROLL CALL**  
**MINUTES** April 19, 2004 Regular Meeting; April 23, 2004 Special Meeting;  
May 3, 2004 Work Session; May 10, 2004 Special Meeting  
**MAYOR'S REPORT**

### **2. CEREMONIAL ITEMS**

- 2.1 Proclamation declaring the month of May as Neurofibromatosis Awareness Month.
- 2.2 Recognition, Administrative Specialist Beverly Thornsberry, who received the 2004 Outstanding Administrative Professional of the Year Award on Wednesday, April 21, 2004.

For the past 19 years Frankfort/Franklin County Community Education has accepted nominations for the Outstanding Administrative Professional of the Year. Ms. Thornsberry was nominated for her dedication, service and professionalism in her position with the Fire Department, and was chosen as the recipient of this award from among approximately 100 nominees. Ms. Thornsberry received a plaque from Clear Channel Radio and Franklin County Community Education, flowers and a gift certificate from BJM and Associates, Inc. for one day off from work.

Contact Person  
Name: Wallace Possich  
Title: Fire Chief  
Department: Fire  
Phone: (502) 875-8511  
E-mail: wpossich@fewpb.com

### **3. ORDINANCES**

- 3.1 **SECOND READING:** An Ordinance Amending Frankfort-Franklin County Zoning District Regulations, Article 13, Sign Regulations.

Purpose: The purpose of this item is to consider an ordinance amending the Sign Regulations as unanimously recommended by the Frankfort/Franklin County Planning Commission.

Background: In late 2003, a revised sign ordinance was proposed and supported by the Frankfort/Franklin County Planning Commission. The Board of Commissioners tabled the item and requested that it be further revised.

The Planning Commission's Zoning Update Committee held numerous public workshops and concluded its revisions in February, 2004. On 3/11/04 a public hearing was held by the Frankfort/Franklin County Planning Commission, and the Planning Commission voted

unanimously (11-0) to approve the new Sign Regulations for the City of Frankfort. There was little to no discussion and a local attorney spoke in favor of the new sign regulation ordinance and thanked the board for allowing them and others to participate in the Zoning Update Committee workshops.

The changes proposed are summarized within the attached Planning Commission report.

This ordinance had its first reading 4/19/04.

Recommendation: Approval.

Attachments: Ordinance.  
Report and Recommendation from Senior Planner dated 3/4/04.  
Minutes from 3/11/04 meeting of the Frankfort/Franklin County Planning Commission.

Contact Person

Name: Gary Muller  
Title: Director  
Department: Planning and Building Codes  
Phone: (502) 875-8513  
E-mail: gmuller@fewpb.com

3.2 **SECOND READING:** An Ordinance Repealing Ordinance No. 12, 1994 Series, Relating to Personnel Policy No. XIX, On-the-Job Injury and Illness Benefits, KRS 342.

Purpose: The purpose of this item is to consider an ordinance repealing current ordinance relating to on-the-job injury and illness benefits.

Background: Under current policy, employees receive worker's compensation benefits only when disabled by on-the-job injury or illness. A new policy is being proposed which will allow the employee to use accumulated leave during recovery to the extent of the difference between worker's compensation benefits and the employee's regular salary so that there will be no loss in wages (Item 4.5).

As statute provides for the adoption of municipal orders in lieu of ordinances for matters relating to the internal operations or functions of the city, it is proposed that the new policy be adopted by order to take effect upon adoption.

This ordinance had its first reading 4/19/04.

Recommendation: Approval.

Attachments: Ordinance.

Contact Person

Name: John Morrow  
Title: Personnel Director  
Department: City Manager's Office  
Phone: (502) 875-8500  
E-Mail: [Jmorrow@fewpb.com](mailto:Jmorrow@fewpb.com)

- 3.3 **FIRST READING:** An Ordinance Establishing a Hazardous Materials Response Team for the City of Frankfort to Create and Form the Haz-Mat 14 Response Team with Franklin County Fiscal Court and the Commonwealth of Kentucky.

Purpose: The purpose of this item is to consider an ordinance establishing a Hazardous Materials Response Team for the City of Frankfort to create and form the Haz-Mat 14 Response Team with Franklin County Fiscal Court and the Commonwealth of Kentucky, pursuant to KRS 39B.070.

Background: To comply with the requirements of Kentucky Emergency Management in procuring non-matching grant funds it is necessary to adopt an ordinance to establish a Haz-Mat Response Team as a function of City Disaster and Emergency Management pursuant to KRS 39B.070. The Haz-Mat Response Team will be part of the Region 14 team. Franklin County adopted a similar ordinance in May 2003. As part of Region 14, City personnel are covered under the State's Worker's Compensation while functioning as Haz-Mat 14.

Recommendation: Approval.

Attachments: Ordinance.  
Memorandum of Understanding.  
Bylaws of the Regional 14 Regional Hazmat/WMD Response Team.  
Ordinance No. 6-2003 adopted by Franklin County Fiscal Court.

Contact Person

Name: Wallace Possich  
Title: Fire Chief  
Department: Fire  
Phone: (502) 875-8511  
E-mail: wpossich@fewpb.com

- 3.4 **FIRST READING:** An Ordinance Providing for the Recovery of Costs Incurred for Response to a Hazardous Materials Incident

Purpose: The purpose of this item is to consider an ordinance to provide for cost recovery from responsible parties for mitigating hazardous materials emergencies.

Background: To comply with the requirements of Kentucky Emergency Management in procuring non-matching grant funds it is necessary to adopt an ordinance to provide a legal means of cost recovery for response to, control and mitigation of hazardous materials emergencies. This ordinance holds liable the responsible owners, shippers or businesses for all costs associated with such response, control and mitigation. Franklin County Fiscal Court adopted a similar ordinance in May 2003

Recommendation: Approval.

Attachments: Ordinance.  
Ordinance No. 7-2003 adopted by Franklin County Fiscal Court.

Contact Person

Name: Wallace Possich  
Title: Fire Chief

Department: Fire  
Phone: (502) 875-8511  
E-mail: wpossich@fewpb.com

**3.5 PUBLIC HEARING AND FIRST READING:** An Ordinance Appropriating the Revenue to be Received by the City of Frankfort for Fiscal Year 2004-2005.

Purpose: The purpose of this ordinance is to appropriate revenue to be received and expended by the City of Frankfort for Fiscal Year 2004-2005 in accordance with the budget submitted and approved by its adoption.

Attachments: Ordinance.

**Contact Person**

Name:	Tony Massey	James C. Rogers
Title:	City Manager	Director
Department:	City Manager	Finance
Phone:	(502) 875-8500	(502) 875-8505
E-mail:	Amassey@fewpb.com	Jrogers@fewpb.com

**3.6 FIRST READING:** An Ordinance Amending Ordinance No. 8, 2003 Series; Ordinance No. 20, 2003 Series; and Frankfort Municipal Code Section 2.93.030 Pay Plan (Salary Ordinance).

Purpose: The purpose of this ordinance is to amend existing ordinances relating to salary and wages for officers and employees of the City of Frankfort by enacting a three percent (3%) salary increment for full-time regular personnel for fiscal year 2004-2005.

Recommendation: Approval.

Attachments: Ordinance.

**Contact Person**

Name:	Tony Massey
Title:	City Manager
Department:	City Manager
Phone:	(502) 875-8500
E-mail:	Amassey@fewpb.com

**3.7 FIRST READING:** An Ordinance Adopting and Enacting a New Code for the City of Frankfort, Kentucky; Establishing the Same; Providing for the Repeal of Certain Ordinances Not Included Therein; and Providing for the Manner of Amending Such Code.

Purpose: The purpose of this item is to consider an ordinance adopting and enacting a new code for the City of Frankfort.

Background: The City of Frankfort made application for and was awarded a grant through the Kentucky Department for Libraries and Archives for codification and legal review of its ordinances. The publishing company, American Legal Publishing Corporation, has completed the preliminary manuscript of the new code; and William A. Thielen, General Counsel for the Kentucky League of Cities, has examined the code for consistency with state law. Over the past several months, the City Solicitor and City Clerk, along with department heads, have reviewed the

draft manuscript for accuracy with current code, identifying additional revisions to manuscript, and making recommendation to the Board for revision following legal review by Mr. Thielen.

Financial Analysis: Grant funding in the amount of \$8,575 was received for the project, with no local match required.

Recommendation: Approval.

Attachments: Ordinance.

Contact Person

Name: Robert C. Moore  
Title: City Solicitor  
Department: City Manager  
Phone: (502) 227-2271  
E-mail:

Shirley Brown  
City Clerk  
City Manager  
(502) 875-8500  
Sbrown@fewpb.com

*3.8 - 3.10 Each of these ordinances, as listed below, are recommended to be repealed as a part of the recodification process.*

**3.8 FIRST READING:** An Ordinance Repealing Ordinance No. 21, 1979 Series, and Ordinance No. 31, 1980 Series, Relating to Auxiliary Police Force.

Note: The Auxiliary Police Force was discontinued in the 1980's. Due to training and certification standards required for police officers, it is recommended that this ordinance be repealed.

Attachments: Ordinance.

**3.9 FIRST READING:** An Ordinance Repealing Frankfort Municipal Code Chapter 6.04 Food Regulations.

**3.10 FIRST READING:** An Ordinance Repealing Frankfort Municipal Code Chapter 6.08 Milk Regulations.

Note: Extensive state statutes and regulations have been adopted under KRS Chapter 217 and 902 KAR 45 for food and KRS Chapter 217C and 902 KAR 50 for milk. The state conducts extensive permitting, inspection and enforcement programs in these areas; therefore, the city regulations are obsolete.

Attachments: Ordinances.

**4. ORDERS**

None.

**5. RESOLUTIONS**

None.

**6. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless*

*a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.*

#### 6.1 Reject and Readvertise Bids for Sewer Camera. (Sewer Department)

Purpose: The purpose of this item is to consider rejecting bids received for a new sewer camera for the sewer lateral program and authorization to readvertise.

Background: The Sewer Department recently bid a new sewer camera for inspection of sewer laterals as part of the new lateral program. The camera was bid as a trailer mounted system. After receipt of bids and subsequent discussions with the two bidders, the Department has decided that a truck-mounted system will be more functional and less expensive.

Financial Analysis: This equipment purchase is estimated to cost \$150,000. Funding for the camera purchase will be included in the 2004-2005 Fiscal Year Budget and the camera will be bid with the provision that delivery will not be made until after July 2004. The City of Frankfort will reserve the right to reject any and all bids.

Recommendation: Approval.

Attachments: None.

##### Contact Person

Name: William R. Scalf, Jr.  
Title: Director  
Department: Sewer  
Phone: (502) 875-2448  
E-mail: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

#### 6.2 Bid Award: Tobacco Lease - Carpenter and Fincel Farms (Finance Department).

Purpose: The purpose of this item is to consider the leasing of the City's Tobacco Base Quota consisting of 12,017 lbs. for calendar year 2004 to John M. Mitchell, P.O. Box 477, Midway, Kentucky.

Background: On 5/3/04, the Finance Department advertised for bids to lease the tobacco base quota for 2004, with an option to renew in 2005 and 2006. On 5/11/04, two bids were received and opened. John Mitchell, P.O. Box 477, Midway, Kentucky, was the high bidder at \$.65 per pound for each of the three years.

Financial Analysis: Total extended price is \$7,811.50 for each of the three years bid.

Recommendation: Approval.

Attachment: Bid Tabulation.

##### Contact Person:

Name: James C. Rogers  
Title: Director  
Department: Finance  
Phone: (502) 875-8505

E-Mail: Jrogers@fewpb.com

6.3 Professional Services Contract for Emergency Medical Services (EMS) Director. (Fire Department)

Purpose: The purpose of this item is to consider a professional services contract with Dr. Sandi Archibald for serving as the City's EMS Medical Director.

Background: Additional EMS regulations and the needs of the City's Emergency Medical Services have progressed and placed more stringent demands upon providers of emergency medicine. The City's paramedic numbers have increased and those personnel are in need of more proactive involvement in education, peer review and more direct involvement with a Medical Director. Dr. Sandi Archibald, who has an extensive background in emergency medicine as well as experience as a Medical Director, has agreed to serve in this capacity.

Dr. Porter Ramsey has served as Frankfort's Medical Director since 1997 and his contract will expire 6/30/04. It is necessary to consider the contract for Dr. Archibald in May to have her appointment approved by the Kentucky Board of EMS in order for her services to become effective 7/1/04. This is a one-year contract automatically renewable for five successive years.

Financial Analysis: Funds are allocated for these services in Fire Account 100.41.53265.

Recommendation: Approval.

Attachments: Memorandum from Fire Chief dated 4/15/04.  
Letter, resume and certifications from Dr. Archibald dated 4/26/04.  
Job description.  
Contract.

Contact Person

Name: Wallace Possich  
Title: Fire Chief  
Department: Fire  
Phone: (502) 875-8511  
E-mail: [Wpossich@fewpb.com](mailto:Wpossich@fewpb.com)

6.4 Contract with Firetec Apparatus Sales for Sale of 1981 Aerial Platform. (Fire Department)

Purpose: The purpose of this item is to consider entering into a contract with Firetec Apparatus Sales to list and market for sale a 1981 Aerial Platform.

Background: The 1981 85' Aerial Platform will need to be sold upon its replacement with the new 100' Aerial Platform as authorized. It is anticipated that the proceeds from selling the old truck will be needed to supplement the \$1,000,000 budgeted for the purchase of three fire vehicles. To this point no interest in its purchase has been found among Kentucky fire departments.

Firetec Apparatus Sales advertises and markets used fire apparatuses nationally and assists in facilitating sales. Their fee is 10% of the actual sale price. Firetec is a reputable, established broker. Their appraisal of the truck recommends advertising it for a maximum of \$99,000.

Financial Analysis: Firetec Apparatus Sales charges a fee of 10% of the actual sale price.

Recommendation: Approval.

Attachments: Letter from Firetec Apparatus Sales dated 4/26/04.  
Firetec vehicle specifications sheet.  
Contract.

Contact Person

Name: Wallace Possich  
Title: Fire Chief  
Department: Fire  
Phone: (502) 875-8511  
E-mail: Wpossich@fewpb.com

6.5 Pool Usage Agreement with Frankfort Area Swim Team. (Parks and Recreation)

Purpose: The purpose of this item is to consider entering into a pool usage agreement with the Frankfort Area Swim Team (F.A.S.T.) for use of the Juniper Hill Swimming Pool.

Background: For the past several years, the City has entered into a pool usage agreement with F.A.S.T. for use of the Juniper Hill Swimming Pool. The proposed agreement is for the period beginning 5/29/04 through 8/8/04 and provides for usage at designated times. The agreement has been reviewed and updated by the City Solicitor. The agreement does contain a fee for use of the pool facility.

Recommendation: Approval.

Attachments: Pool Usage Agreement.

Contact Person

Name: Steve Brooks  
Title: Director  
Department: Parks and Recreation  
Phone: (502) 875-8575  
E-mail: Sbrooks@fewpb.com

6.6 Change Order No. 1 for Additional Work Associated with Installation of Parshall Flume and Liquid Oxygen Tank Pad. (Sewer Department)

Purpose: The purpose of this item is to consider Change Order Number 1 for additional work associated with installation of a Parshall Flume and Liquid Oxygen Tank Pad with the contractor, Free Contracting, Inc.

Background: On 12/15/03, the Board of Commissioners approved a contract with Free Contracting, Inc. to construct a new Parshall Flume and Liquid Oxygen Tank Pad at the wastewater treatment plant. The amount of the contract was \$174,000.

During construction it was determined that a ramp was required to access the Oxygen Pad. The ramp was installed in lieu of steps due to the close proximity of the pad to the truck off-loading area. Additionally, the stainless steel support for the transducer at the Parshall Flume had to be relocated from the original location to allow more convenient access by plant personnel. This



relocation required the addition of another bracket not included in the original contract. The Change Order in the amount of \$1,710.86 increases the contract amount to \$175,710.86.

Financial Analysis: Funding is allocated in Sewer Account 300.68.56550 for this project.

Recommendation: Approval.

Attachments: Change Order No. 1.

Contact Person

Name: William R. Scalf, Jr.  
Title: Director  
Department: Sewer  
Phone: (502) 875-2448  
E-mail: wscalf@fewpb.com

6.7 Change Order for Testing and Construction Administration Services Associated with the U.S. 60 Widening Project. (Sewer Department)

Purpose: The purpose of this item is to consider a Change Order with HMB Professional Engineers for Testing and Construction Administration Services associated with the U.S. 60 widening project.

Background: On 7/18/02, the Board of Commissioners approved a contract with HMB Professional Engineers to perform Construction Administration Services associated with the widening of U.S. 60. The cost of these services was not to exceed \$39,000 and is being reimbursed by the Kentucky Transportation Cabinet. Due to increased time allowed the contractor due to weather delays during construction, additional testing and construction administration costs are being incurred by the City. The Kentucky Transportation Cabinet had agreed to reimburse the City additional fees in the amount of \$5,323.50 to a not to exceed total of \$44,323.50.

Financial Analysis: The Kentucky Transportation Cabinet will reimburse the cost of this Change Order.

Recommendation: Approval.

Attachments: Change Order No. 1.

Contact Person

Name: William R. Scalf, Jr.  
Title: Director  
Department: Sewer  
Phone: (502) 875-2448  
E-mail: wscalf@fewpb.com

6.8 Grant Application to the Kentucky League of Cities (KLC) for 2004 Safety Grant Program. (Sewer Department)

Purpose: The purpose of this item is to consider filing a grant application for Kentucky League of Cities 2004 Safety Grant Program Funds and authorization for the Mayor to execute all grant-related documents.

Background: The deadline for filing an application for 2004 safety grant program funds from KLC is 5/15/04. The application will request funding for safety-related equipment for the Sewer Department.

This grant program provides 50% of the cost (up to \$2,500) to KLC member communities for specific safety-related purchases or training. The applicant community or agency must be a current member of the KLC Workers' Compensation Trust for 2004. The Sewer Department has identified several safety-related needs which could be addressed with these grant funds. Not only will the working conditions for employees be improved but the safety of the general public as well. Some existing equipment is either defective or damaged and needs replacing, and some is needed due to additional employees. This will enable the City to enhance the safety of Sewer Department employees in the course of their work.

Financial Analysis: The City will apply for a \$2,500 grant, matched by \$2,500 from the Sewer Department 300.68.56550.

Recommendation: Approval

Attachments: None.

Contact Person

Name:	William R. Scalf, Jr.	Ramona Newman
Title:	Director	Project Specialist
Department:	Sewer	City Manager's Office
Phone:	(502) 875-2448	(502) 352-2075
E-mail:	wscalf@fewpb.com	rnewman@fewpb.com

6.9 Grant Application to the Kentucky Division of Forestry for 2004 Kentucky Urban and Community Forestry Grant Funds. (Parks and Recreation)

Purpose: The purpose of this item is to consider a grant application for 2004 Kentucky Urban and Community Forestry Grant Funds and authorization for the Mayor to execute all grant-related documents.

Background: The deadline for filing an application for 2004 Urban Forestry funds from the Kentucky Division of Forestry is 5/21/04. The application is to request grant funding to carry out a demonstration project that safely and aesthetically uses vegetation controls or utility innovations under or near utilities to avoid tree and utility conflicts. These techniques were explored under the City's 2003 Urban and Community Forestry Grant and the findings are ready for demonstration.

Two pilot projects will be formulated to demonstrate proper tree planting and maintenance near utilities. One project will be on a site that was developed based on older zoning and landscaping requirements and one on a newer site developed based on more recent requirements. An educational component for the public, including interpretative signs, is incorporated as part of the project. The demonstrations will involve tree and shrub planting as well as appropriate pruning and removal and replacement of hazardous or grossly disfigured trees near utilities. One part of the demonstration will involve a large area planting of accepted and promising small trees to demonstrate their use near utilities. This demonstration will highlight the benefits of using appropriate plants and techniques in avoiding eventual utility conflicts. Not only will Frankfort's

urban forest benefit, but also eventual cost savings to the City, utilities and residents should be realized.

Financial Analysis: If approved, the City will apply for a \$13,400 grant, and will provide an in-kind match of \$17,800.

Recommendation: Approval.

Attachments: None.

Contact Person

Name:	Steve Brooks	Andrew Cammack	Ramona Newman
Title:	Director	Arborist	Project Specialist
Department:	Parks & Recreation	Parks & Recreation	City Manager's Office
Phone:	(502) 875-8575		(502) 875-8500
E-mail:	Sbrooks@fewpb.com	acammack@fewpb.net	Rnewman@fewpb.com

6.10 Personnel.

<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Effective Date</u>	<u>Other</u>
Confirmation	Scott Wilcoxson Travis Curtsinger Derrick Napier Christopher Quire	Police	5/20/04	Patrol Officer
Reclassification	Greg Miley Jeff Perry	Sewer	5/18/04	Collection System Maintenance I from Collection System Laborer
Appointment	Justin Evilsizor	Planning & Building Codes	6/1/04	Staff Planner
	Billy J. Beverly	Public Works	5/25/04	Maintenance Worker

Attachments: None.

Contact Person:

Name:	John Morrow
Title:	Personnel Director
Department:	City Manager's Office
Phone:	(502) 875-8500
E-Mail:	Jmorrow@fewpb.com

**7. BOARD APPOINTMENTS**

Civil Service for Police and Fire.  
Streetscape Committee.

**8. OLD BUSINESS**

None.

## 9. NEW BUSINESS

### 9.1 Bid Award: Fire Apparatus. (Fire Department)

Purpose: The purpose of this item is to consider a bid award for the purchase of one 110 ft. aerial platform, one 1500 gpm pumper, and one quick attack mini-pumper.

Background: Bids were received from two vendors on 5/13/04 for the three vehicles. Bid award is recommended to Sutphen Corporation in the amount of \$1,123,197 as follows:

110 ft. Aerial in the amount of \$734,704, low bid;  
Quick Attack Mini-Pumper (Hummer) in the amount of \$133,640, low bid;  
1500 GPM Pumper in the amount of \$254,803, best bid.

The low bid for the 1500 gpm pumper did not fully meet the specifications in that both front end rear axle capacity ratings are less than specified and brake system warranties do not meet requirements as specified. Exceptions were also bid on various details and features, but were not indicated as required as exceptions. Also, the package price from Sutphen Corporation for all three vehicles is the low bid over all.

Financial Analysis: A funding plan has been approved by the Finance Director and the City Manager as follows:

FY 2003-2004	Acct. No. 100.42.56550	\$500,000
FY 2004-2005	Acct. No. 100.42.56550	\$500,000
FY 2003-2004	Acct. No. 100.41.56550	\$ 23,197
* FY 2003-2004	Acct. No. 100.95.53295	\$100,000
		\$1,123,197

\* Proceeds from sale of 1981 Aerial Platform Truck (Agenda Item 6.4) will be placed back into Reserve for Contingency, Account No. 100.95.53295, when the truck is sold.

Recommendation: Approval.

Attachments: Memorandum from Fire Chief dated 4/14/04.  
Bid Tabulation.

#### Contact Person

Name: Wallace Possich  
Title: Fire Chief  
Department: Fire  
Phone: (502) 875-8511  
E-mail: wpossich@fewpb.com

## 10. CITIZEN COMMENTS (Non-agenda items)

## 11. COMMISSIONER COMMENTS

## 12. ADJOURNMENT